## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ADREA, LLC,	)
Plaintiff,	)
- against -	) 13-CV-4137 (JŠR)
BARNES & NOBLE, INC., BARNESANDNOBLE.COM LLC, and NOOK MEDIA LLC,	) ) )
Defendants.	) ) )

## DEFENDANTS' NOTICE OF MOTION PURSUANT TO RULE 50 FOR JUDGMENT AS A MATTER OF LAW OR IN THE ALTERNATIVE FOR A NEW TRIAL

PLEASE TAKE NOTICE that Defendants Barnes & Noble, Inc., barnesandnoble.com

LLC and Nook Media LLC (collectively, "Defendants") on August 31, 2015 will move this

Court pursuant to Rule 50 of the Federal Rules of Civil Procedure for judgment as a matter of
law, or in the alternative for a new trial. In support of this motion Defendants shall rely upon this

Notice of Motion, as well as the accompanying Memorandum of Law in Support of Defendants'

Motion Pursuant To Rule 50 For Judgment As A Matter of Law Or In The Alternative For A

New Trial, and the Declaration of Louis S. Ederer in Support of Defendants' Motion Pursuant To

Rule 50 For Judgment As A Matter of Law Or In The Alternative For A New Trial, and the

exhibits thereto, such Motion is to be filed with the Court pursuant to the below schedule:

Opening Motion Papers:

August 31, 2015

**Opposition Papers:** 

September 14, 2015

Reply Papers:

September 21, 2015

Oral Argument:

September 28, 2015

Oral argument is respectfully requested.

Dated: New York, New York August 31, 2015 Respectfully Submitted,

ARNOLD & PORTER LLP

Louis S. Ederer
Susan L. Shin
Maxwell C. Preston
399 Park Avenue

New York, NY 10022-4690 Telephone: (212) 715-1000 Facsimile: (212) 715-1399 louis.ederer@aporter.com susan.shin@aporter.com maxwell.preston@aporter.com

Ali R. Sharifahmadian (pro hac vice) 555 Twelfth Street, NW Washington, DC 20004-1206 Telephone: (202) 942-5000 Facsimile: (202) 942-5999 ali.sharifahmadian@aporter.com

Michael A. Berta (pro hac vice)
Willow Noonan (pro hac vice)
Three Embarcadero Center, #10
San Francisco, CA 94111
Telephone: (415) 356-3000
Facsimile: (415) 356-3400
michael.berta@aporter.com
willow.noonan@aporter.com

Attorneys for Defendants Barnes & Noble, Inc., barnesandnoble.com llc, and Nook Media LLC

## **CERTIFICATE OF SERVICE**

I, hereby certify that on August 31, 2015, copies of the foregoing Notice of Motion were caused to be served upon the following via ECF:

Kenneth Rubenstein, Esq.
Baldassare Vinti, Esq.
PROSKAUER ROSE LLP
11 Times Square
New York, NY 10036
krubenstein@proskauer.com
bvinti@proskauer.com

Steven Michael Bauer, Esq.
Kimberly A. Mottley, Esq.
Micah W. Miller, Esq.
Brendan Cox, Esq.
Patrick Niedermeier, Esq.
Erin Staab, Esq.
PROSKAUER ROSE LLP
One International Place
Boston, MA 02110
sbauer@proskauer.com
kmottley@proskauer.com
mmiller@proskauer.com
bcox@proskauer.com
pniedermeier@proskauer.com
estaab@proskauer.com

Colin Cabral, Esq. PROSKAUER ROSE LLP 2049 Century Park East Los Angeles, CA 90067 ccabral@proskauer.com

Julie Simeone